



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2013-23

LEGISTAR #: 20130926

PROPERTY OWNERS: Devon Jackoniski, Beneficiary of
ETC FBO Devon Jackoniski, IRA
4504 Orleans Drive
Dunwoody, GA 30338

APPLICANT: Jason Jackoniski
4504 Orleans Drive
Dunwoody, GA 30338

PROPERTY ADDRESS: 413 Washington Avenue

PARCEL DESCRIPTION: Land Lot 12160, District 16, Parcel 0530

AREA: 0.25 acs. **COUNCIL WARD:** 5

EXISTING ZONING: R-4 (Single Family Residential 4 units/acre)

REQUEST: OIT (Office Institution Transitional)

FUTURE LAND USE

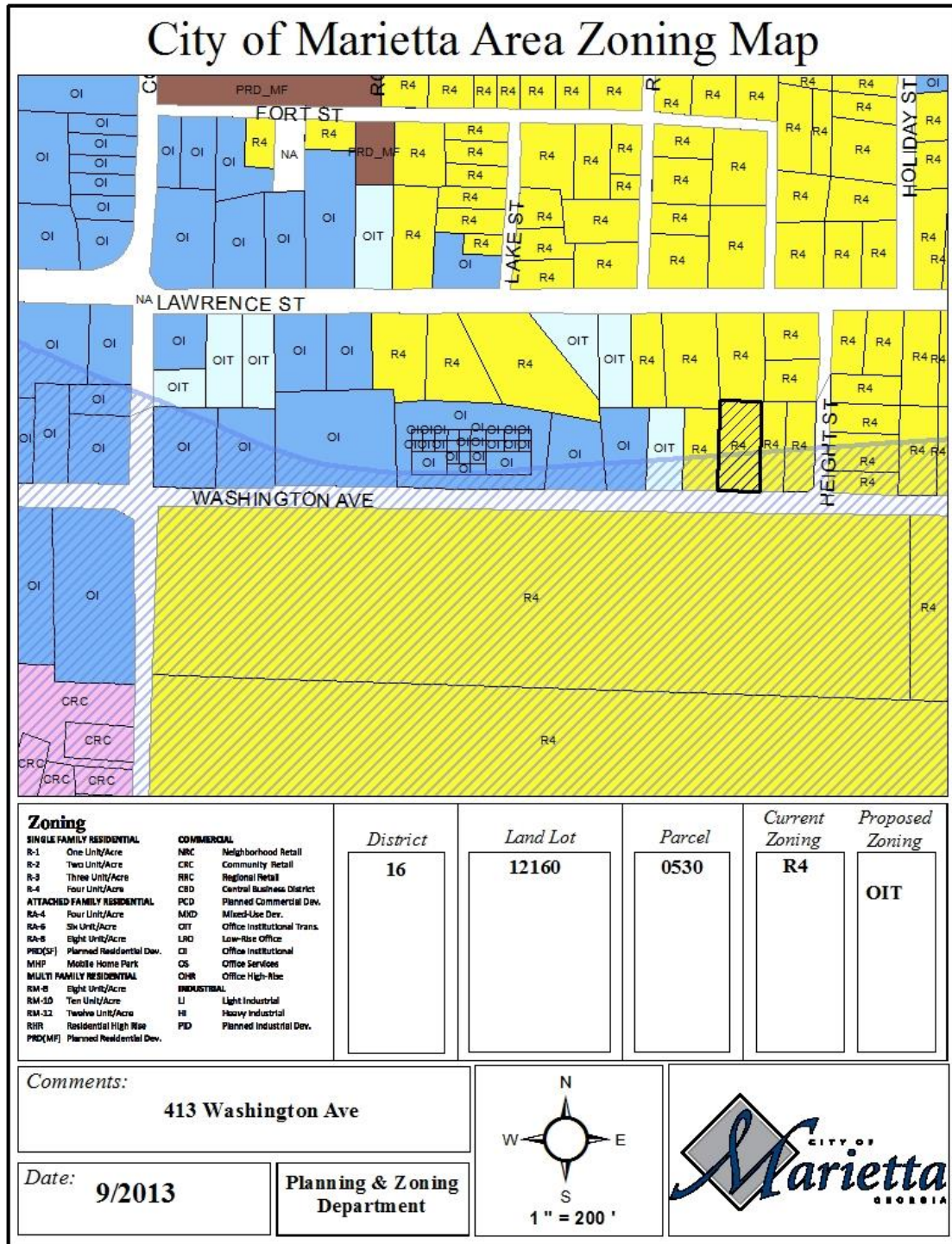
RECOMMENDATION: MDR (Medium Density Residential)

REASON FOR REQUEST: Proposed to convert an existing residential property into a professional office.

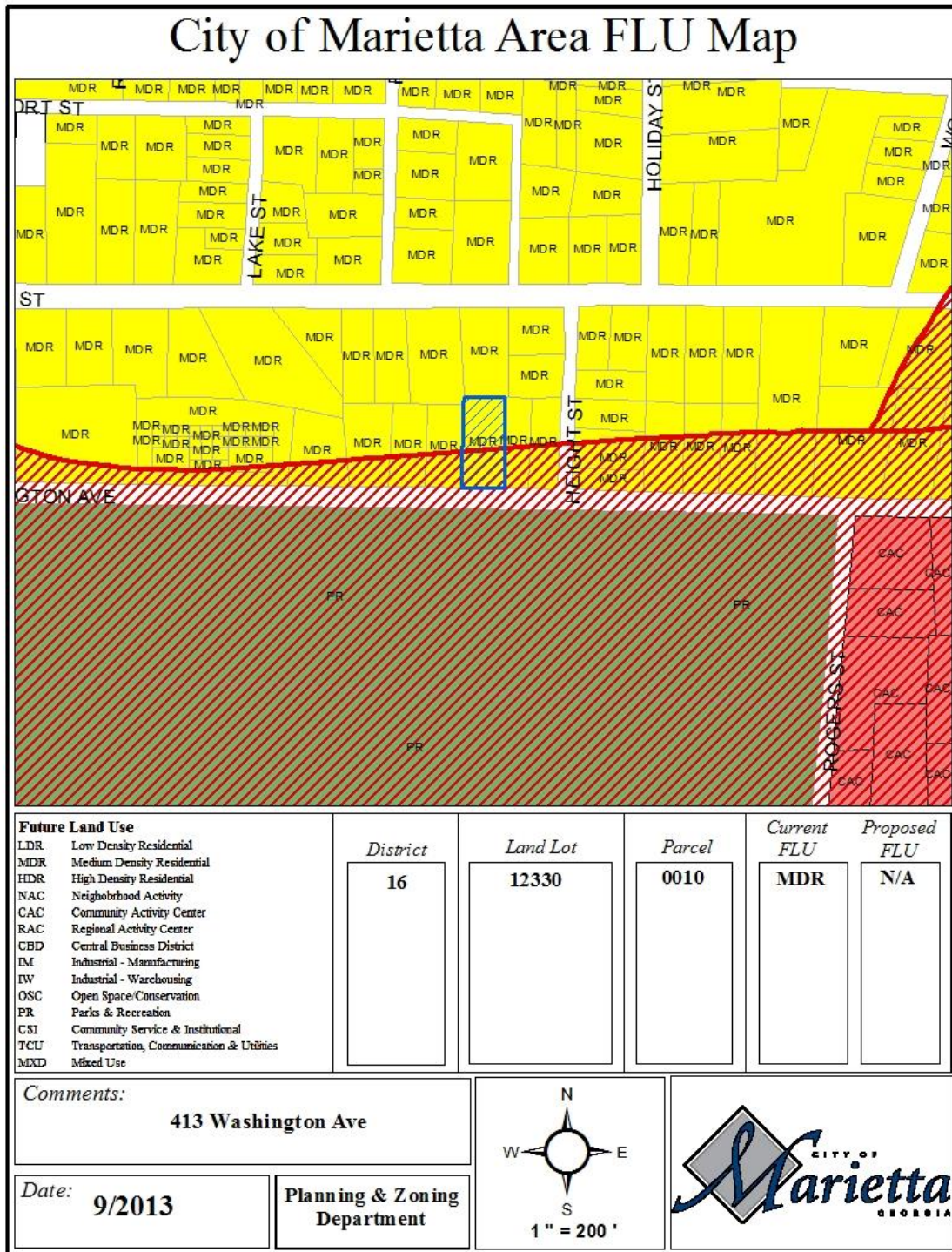
PLANNING COMMISSION HEARING: Tuesday, October 1, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, October 9, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



413 Washington Ave



413 Washington Ave



413 Washington Ave – proposed driveway to the rear of the property



413 Washington Ave – rear yard where proposed parking will be installed



405 Washington Ave and 413 Washington Ave – 405 Washington Ave is the parking lot for the neighboring professional office to the west and is zoned R4 (Single Family Residential 4 units/acre).

STAFF ANALYSIS

Location Compatibility

The property owner, Jason Jackoniski, is requesting to rezone 0.25 acres located at 413 Washington Avenue from R4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transition) in order to convert the existing residential property to a professional office. It is his intent to lease the property to an attorney, accountant or some other professional office use. The subject property is surrounded on all sides by other properties zoned R4 (Single Family Residential 4 units/acre). The properties to the north and to the east are used as residential properties; however, the property to the west serves as a parking lot for the neighboring professional office building located at 399 Washington Avenue, which is zoned OIT (Office Institution Transition). Across Washington Avenue from the subject property is the National Cemetery, which is also zoned R4. Farther to the west of the subject property, to the end of the block at Cole Street, the majority of the properties are zoned OI (Office Institutional) or OIT (Office Institution Transition). The OI or OIT zoning continues on properties from Cole Street westward along the Washington Avenue roadway on both sides of the road until it gets to Haynes Street, where the CBD (Central Business District) begins.

The applicant proposes to renovate the property without changing the footprint of the existing building. A parking area is to be added that will provide 6 parking spaces, while only 3 parking spaces are required according to the area of the building. However, the current driveway is only approximately 9 feet wide, and does not meet the required width of 20 feet. A variance would be necessary in order to approve the existing driveway.

The subject property falls partially within the Tier A Overlay District, which has architectural and site requirements that are in direct conflict with the regulations of the OIT district. The stated purpose of the OIT district is:

“The OIT district is intended to provide protection to the residents of residential areas experiencing transition to other uses, primarily professional offices, by promoting the continued utilization of existing houses, discouraging demolition and permitting office uses which do not generate large volumes of traffic, noise or other harmful effects. The OIT district is differentiated from other office zonings in that it is designed to facilitate the reuse of existing structures previously utilized for residential purposes in contrast to new developments.”

Because the applicant is requesting to keep the existing structure rather than redevelop (similar to the Washington Commons development), a variance to waive the Tier A Overlay District requirements would be necessary in order to resolve the conflict between those requirements and the OIT zoning regulations.

Use Potential and Impacts

The subject property appears to have been vacant for some time and has started to deteriorate and decline. The negative impact to adjacent parcels having a dilapidated structure nearby can be harmful and decrease safety concerns to the transitioning neighborhood block.

However, the city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Medium Density Residential (MDR), and the OIT zoning category is not compatible with this FLU designation. Should this property be rezoned, it would likely encourage the rezoning of the remainder of the residential parcels along Washington Ave. to at least Height Street to an office category.

Environmental Impacts

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property.

Economic Functionality

Although it has not been determined how long the subject property has been vacant, there is evidence of decline and deterioration as a residential property.

Many of the properties on the western portion of this block have transitioned from residential to office commercial, and the majority of those conversions have been successfully renovated and leased to professional office uses. It is questionable if the property has a reasonable economic use as a residential property, as currently zoned. However, many residential properties along Washington Ave. have maintained their residential zoning and stayed occupied.

Infrastructure

The property is located on Washington Avenue, which is designated as a collector roadway, which is sufficient for the proposed office use.

Listed are the following comments from the Public Works Department:

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bio-retention or other), and any other applicable improvements



required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

- The driveway must be a minimum of 20' wide asphalt plus curb for 2-way. If not attainable, then a variance from City Council is required.

History of Property

There are no records of variances, rezonings, or Special Land Use Permits existing for this property.

Other Issues

The survey that was provided showed two different scale measurements. The applicant may need the following variance in order to use the existing driveway:

- Variance to reduce the required driveway width from 20 ft. to 9 ft.

ANALYSIS & CONCLUSION

The property owner, Jason Jackoniski, is requesting to rezone 0.25 acres located at 413 Washington Avenue from R4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transition) in order to convert the existing residential property to a professional office. It is his intent to lease the property to an attorney, accountant or some other professional office use. The subject property is surrounded on all sides by other properties zoned R4 (Single Family Residential 4 units/acre). However, the property to the west serves as a parking lot for the neighboring professional office building located at 399 Washington Avenue, which is zoned OIT (Office Institution Transition). In addition, many of the properties farther to the west along Washington Avenue have been renovated and are currently used as professional offices.

The applicant proposes to renovate the property without changing the footprint of the existing building. A parking area is to be added that will provide 6 parking spaces, while only 3 parking spaces are required according to the area of the building. However, the current driveway is only approximately 9 feet wide, and does not meet the required width of 20 feet. A variance would be necessary in order to approve the existing driveway.

The subject property falls partially within the Tier A Overlay District, which has architectural and site requirements that are in direct conflict with the regulations of the OIT district. Because the applicant is requesting to keep the existing structure rather than redevelop (similar to the Washington Commons development), a variance to waive the Tier A Overlay District requirements would be necessary in order to resolve the conflict between those requirements and the OIT zoning regulations.

In order to approve the rezoning request according to the submitted site plan, the following variances would be necessary:

1. Reduction of the required driveway width from 20 ft. to 9 ft.
2. Waive the Tier A Overlay District requirements.

The city's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Medium Density Residential (MDR). The OIT Zoning category is not compatible with this FLU designation.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	--
Size of the water line?	6"
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	400 gpd

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of the sewer line?	8"
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	A.D.F Peak Same as previous tenant – 400 gpd
Treatment Plant Name?	R. L. Sutton
Treatment Plant Capacity?	R. L. Sutton – 40 mgd
Future Plant Availability?	R. L. Sutton



Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Washington Avenue
What is the classification of the road?	Collector
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	NO
If yes, what are they?	---



- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The driveway must be a minimum of 20' wide asphalt plus curb for 2-way. If not attainable, then a Variance from City Council is required.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Fire Station 51
Distance of the nearest station?	0.5 miles
Most likely station for 1 st response?	Marietta Fire Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

*Change of occupancy classification will require code compliance.

*Parking will need to comply with the accessibility code.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: